

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

EDWARD DAY, individually and on behalf of)
the class defined herein,)

Plaintiff,)

v.)

CAPITAL MANAGEMENT SERVICES, L.P.,)
d/b/a, a/k/a CAPITAL MANAGEMENT)
SERVICES, INC., CAPITAL MANAGEMENT)
SERVICES, INC. d/b/a, a/k/a CAPITAL)
MANAGEMENT SERVICES, L.P., and FFPM)
CARMEL HOLDINGS I, LLC,

Defendants.

Case No.: 08 CV 4316

Judge Hart

**AGREED MOTION FOR AN ENLARGEMENT OF TIME TO FILE RESPONSIVE
PLEADINGS**

Defendants, FFPM CARMEL HOLDINGS I, LLC ("FFPM") and CAPITAL MANAGEMENT SERVICES, LP ("CMS") by and through its attorneys David M. Schultz and Corinne C. Heggie pursuant to Rule 6 for their Agreed Motion for an Enlargement of Time to file their responsive pleadings to plaintiff's Complaint on or before October 3, 2008, state as follows:

1. On July 30, 2008, plaintiff filed a class action Complaint against defendants alleging that defendants violated the Fair Debt Collection Practices Act, ("FDCPA").

2. Defendant CMS has appeared through its undersigned counsel. Currently, its responsive pleading is due September 24, 2008.

2. Defendant FFPM was served on or about August 18, 2008. Defendant's responsive pleading is due Monday, September 8, 2008.

3. Defense counsel was just retained by FFPM, completed its conflicts investigation and needs additional time to analyze the issues in this matter, confer with its clients and prepare

the appropriate responses. Defense counsel is contemporaneously filing an appearance with this motion on behalf of FFPM.

4. Defense counsel discussed the October 3, 2008 pleading date for both defendants with counsel for the plaintiff on September 4, 2008. Plaintiff's counsel has no objection to the relief requested herein.

5. This time is not meant for the purpose of unnecessary delay and will not prejudice any party to the litigation.

WHEREFORE, Defendants, FFPM CARMEL HOLDINGS I, LLC and CAPITAL MANAGEMENT SERVICES LP respectfully request that this Court enter an order: (1) striking Capital Management Services LP's September 24, 2008 pleading date and (2) granting Capital Management Services, LP and FFPM Carmel Holdings I, LLC leave to file their responsive pleadings to plaintiff's Complaint on or before October 3, 2008.

Respectfully Submitted,

s/Corinne C. Heggie

One of the attorneys for Defendants

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